THE GREAT METHODIST CASE.

United States Circuit Court. The Hon. Judges Nelson and Betts presiding. COPAL CHURCH NORTH AND SOUTH-RELIGION AND

MAY 20.—Henry B. Bascom and others to. George Lausend others.—At the sitting of the Court, this morning Mr. Lord proceeded to read from the Book of Proofs. No. 1:—

Mr. Lord proceeded to read from the Book of Proofs, No. 1:—
[From Address of the British Conference to the Bishops and Members of the General Conference of the Methodist Episcopal Church in the United States of America.]

"But while we freely indulge in sentiments such as these, we cannot forget that on one subject especially—the subject of American slawery—you, our beloved brethrea, are placed in circumstances of painful trial and perplexity. We enter, with brotherly sympathy, into the peculiar situation which you are now called to occupy. But on this question, we beg to refer you to what occurs is our address to you from the conference of 1836, a proper copy of which will be handed to you by our sepresentative; as also to the contents of our preceding letter of 1835. To the principles which we have affectionately but henestly declared in these two documents we still addrer, with a full conviction of their Christian truth and justice.

"The time which has elapsed, and the events which have taken place, since the preparation of the abovementioned papers, serve only to confirm us yet more in our views of the moral evil of elsavery. Far be it from us to advocate violent and ill considered measures. We are, however, strongly and unequivocally of opinion that it is, at this time, the paramount Christian duty of the ministers of our most merelful Lord in your country to maintain the principle of opposition to alsvery with expest seal and unfinely a firmness. May we not also be allowed, with the heartfelt solicitude of fraternal love, to entreat that you will not omit or qualify the noble testimony which we have extracted, in a note to our address. From your 'Book of Discipline,' but that you will centime to insert it there in its primitive and unimpaired integrity."

[From address of the General Conference to the British Conference,]

* We have considered; Controlled to the considerate, your brotherly suggestions concerning siavery, and most cheerfully reture an unreserved nawer to them. And we do so the rather, brethren, because of the nutherous prejudicial statements which have been yet forth in certain quarters, to the wounding of the shurch. We assure you then, brethren, that we have adopted no new principle or rule of discipline respecting slavery, since the time of our apostode Asbury; neither do we mean to adopt any. In our general rules, (called the General Rules of the United Societies,' and which are of sonstitutional authority in our church.) 'the buying and selling of men, wones, and children, with an intention to ensiave them,' is capressly prohibited; and in the same words, substantially, which have been used the control of our proper words, substantially, which have been used the control of our proper words, substantially, which have been used the control of our proper words, substantially, which have been used the control of our proper words, substantially, which have been used the proper words of the promise the proper words of the promise the proper work of "pressing scripture holiness over these lands,' to questions of temperal import, involving the rights of Casar, yet are we not the less minded on that account to present and ret forward all humans and generous sciona, or to prevent, to the utmost of our power, such as are sell and unchristian. It is our first desire, after high teward flod, to be mereifal after our power, such as are sell and unchristian. It is our first desire, after high teward flod, to be mereifal after our power, as we have apportunity, doing good of every possible sort, and as far as possible, to all men, — to their bodies,' but especially, and promise and particle long sity, there are several which do not allow of slavery. There are others in which it is allowed and there are slaves; but the tendency of the have a far and particle long sity, and the tendency of the have an are all and there are all

your only business is to promote the moral and religious improvement of the sizes to whom you may have access, without, in the least degree, in public or private, interfering with their civil condition."

Counsel then read the report of the Westmoreland petition, which concluded as follows:—

"Can it be considered as just or reasonable to hold individuals responsible for the destiny of circumstances over which they have no control? Thus conditioned in the organic arrangements and distributions of society, is there any necessary connection between the moral character of the individual and that of the system? In this way, the modifying influence of unavoidable agencies or circumstances in the formation of sharacter is as well known principle, and one of universal recognition in law, morals, and religion, and upon which all administration of law, not unjust and oppressive, must proceed. And your committee know no reason why the rule is inapplicable, or should not obtain, in relation to the subject of this report. In concludion, your committee would express the deliberate opinion that, while the general rule on the subject of siavery, relating to those States only whose laws admit of canancipation and permit the liberated slave to enjoy freedom should be firmly and constantly enforced, the exception to the general rule applying to those sitates where emancipation, as defined above, is not practicable, should be recognized and protected with equal firmness and impartiality. The examittee respectfully suggest to the Conference the propricty of adopting the following resolution:

"Resolved, by the delegates of the several annual conferences in General Conference assembled. That under the provisional exception of the general rule of the church on the subject of slavery, the simple holding of slaver, or mere ownership of slave property, in States or Territories where the laws do not admit of amanipation, and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of minist

band having the law thirdren, then the states go to the wife die without children, then the states go to husband.

The next was the case of flishop Andrew, on which the Committee on Episcopacy made the following restate Committee Committe

port.—
"The committee had ascertained, previous to the reference of the resolution, that Bishop Andrew is connected with sixvery, and had obtained an interview with him on the subject; and having requested him to state the whole facts in the premises, hereby present a written communication from him in relation to this matter, and beg leave to offer it as his statement and explanation of the care.

beg leave to offer it as his statement and explanation of the case.

To me Committee or Kriscovacy.—

*Dear Brethren—In reply to your inquiry, I submit the following statement of all the facts bearing on my connexion with slavery. Severallycers since an oid lasty of Augusta, Georgia, acqueathed to me a mulatte girl, in trust that I should take care of her until she should be nineteen years of age; that with her consent I should then send her to Liberia, and that in case of her refusal, I should keep her, and make her as free as the laws of the State of Georgia would permit. When the time arrived, she refused to go to Liberia, and, of her own choice, remains legally my slave, although I derive no pecuniary profit from her. She continues to live in her own house, on my lot, and has been and last present at perfect liberty to go to a free State at her pleasure, but the laws of the State will not permit her emancipation, nor admit such deed of emancipation to record, and she refuse to leave the State. In her case, therefore, I have been made a slaveholder legally, but not with my own consent.

*2019. About five years since, the mother of my for-

ent. * 2017. About five years since, the mother of my for-"2017. About five years since, the mother of my forner wise left to her daughter, not to me, a negro boy;
and as my wife died without a will more than two
years since, by the laws of the State he becomes
legally my property. In this case, as in the former,
reamelyation is impracticable in the State; but he
shall be at liberty to leave the State whomever I shall
be satisfied that he is prepared to provide for himself,
or I can have sufficient security that he will be protected and provided for in the place to which he may go,
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diy, In the month of January last, I married my present wife, she being at 1the time populated of slaves,

inherited from her former husband's estate, and belonging to her. Bhortly after my marriage, being unwilling to become their owner, regarding them as strictly hers, and the law not permitting their emancipation, I secured them to her by a deed of trust.

"It will be obvious to you, from the above statement of facts, that I have neither bought nor sold a slave; that in the only two instances in which I am legally a slave-holder, emancipation is impracticable. As to the servants owned by my wife, I have no legal responsibility in the premises, nor could my wife emancipate them if the desired to do se. I have thus plainly stated all the facts in the case, and submit the statement for the consideration of the General Conference. Yours respectfully.

"JAMES O. ANDREW.

"Resolutions were then offered requesting the Hishop to resign, but the meeting adjourned; and at a subsequent conference the following was adopted:—

"Whereas the discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with sisvery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarast the exercise of his office as an itinerant general superintendency, and whereas Bishop Andrew has become connected with sisvery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarast the exercise of his office as an itinerant general superintendent, find in some places entirely prevent it; therefore,

"Resolved, That it is the sense of this General Conference which, in some places entirely prevent it; therefore,

"Resolved, That it is the sense of this General Conference had not enough the west of health in some members of his family, to remove from Texas. Conference by a vote declined excusing him."

"During the call for yeas and mays, J. C. Clark asked to be excused from voting,

Mr. Lord then usked permission for his vomerable frient Doctor Smith to read the Protest.

The Gourt acquiesced and the Raw. Dr. Smith then proceeded to read the protest, beginning at page 99 and extending to page 111, of which the following is an abstract:

"In behalf of thirteen Annual Conferences of the ministry and membership of several other conferences. embracian nearly five thousand ministers, travelling and local, and a membership of nearly five hundred thousand, constitutionally represented in this General Conference—we the undersigned, a minority of the delegates of the several Annual Conferences assembled, after mature reflection, implied by convictions we cannot resist, and in conformity with the rights and usages of minorities, in the instance of deliberative assemblies and judicial tribuniate, in similar circumstances of division and disagreement, do most solemnly, and in due form, protest against the recent act of a majority of this General Conference, in an attempt, as understood by the minority, to degrade and punish the Evy James O. Andrew, one of the bickops of the series of pingenen of the timenal Conference, in an extendity of the control of the charge of discipline of the church, without form of trial, or legat conviction of any kind, and in the absence of any charge of want of qualification or faithfulness in the performance of the duties pertaining to his office.

"We protest against the act of the majority in the case of Bishop Andrew, as extra-judicial to all intents and purposs, being both without law, and contrary to law. We protest against the act, because we recognize in this General Conference no right, power, or authority, ministerial, judicial, or administrative, to suspend or depose a bishop of the Methodist Episcopal Church, or otherwise subject in the opposition of a charge or charges, alleging that the bishop to be dealt with has been guilty of the violation of some law or at least some disciplinary obligation of the church, at any time, and the protest against the act of th

though informal contract of mutual concession and forbearance between the North and the South, then, as nowknown and existing as distinct parties, in relation to the
vexed questions of slavery and abolition—those conferences found in States where slavery prevailed constituting the Southern party, and those in the non-slaveholding States, the Northern, exceptions to the rule being
found in both. The rights of the legal owners of slaves,
in all the slaveholding States, are guarantied by the coasilution of the United States, and by the local constitutions of the States, respectively, as the supreme law of
the land, to which every minister and member of the Methodist Episcopal church within the limits of the United
States government professes subjection, and pledges himrelf to submit, as an article of Christian faith in the common erred of the clurch. Domestic slavery, therefore,
wherever it exists in this country, is a civil regulation,
existing under the highest sanctions of constitutional and
nunleipal law, known to the gribbunals of the country;
and it has always been assumed at the South, and relied
upon as correct, that the North, or non-slaveholding
States, had no right, civil or moral, to interfore with relations and interests thus ascured to the people of the
South by all the graver forms of law and social order, and
that it cannot be done without an abuse of the constitutional rights of citizenship. The people of the North, however, have claimed to think differently, and have uniformity acted toward the South in accordance, too, with this state
of things, as it regards the general population of the
North and South, respectively, the Methodist Episcopal
Church has been divided in opinion and feeling on the
subject of slavery and abolition, since its organization in
1784: two separate and distinct parties have always existed. The Southern Conferences in agreeing to the
main principles of the compromise law in 1804 and 1816,
conceded, by express stipulation, their right to resis

derived from history and the testimony of living witnesses.

"Is there anything in the law or its reasons creating an exception in the instance of bishops." Would the South have entered into the strangement, or in any form convented to the law, had it been intimated by the North that bishops must be an exception to the rule! Are the virtuous dead of the North to be slandered by the supposition that they intended to except bishops, and thus accomplished their purposes, in negotiation with the South, by a resent to deceptive and dishonorable means? The enactment was for an entire people, east, west, kerth, and south. It was for the chareb, and every member of it—for the common weak of the body—and is, therefore, universal and unrestricted in its application.

"In proportion to our love of truth, of law, and order.

every member of it—for the common weat of the body—and is, therefore, universal and unrestricted in its application.

"In proportion to our love of truth, of law, and order, are we not called upon to pause and weigh well the hazard, before, as a General Conference, we incur it beyond change or remedy! The undersigned have long looked to the great conservative law of the discipline on the subject of slavery and a bolition, as the only charter of connectional union between the North and the South; and whenever this bond of connection is rendered null and void, no matter in what form, or by what means, they are compelled to regard the charch, to every practical purpose, as already divided without the laterrention of any other agency.

"The undersigned can never consent, while we have a plain law, obviously covering an assumed offence, that the offence shall be taken, under plea of principle, out of the hands of the law, and be resulticeted to the conflicting opinious and passions which originally led to a resert to law as the only safe standard of judgment. They do not understand how conscience and principle can attach grave blame to action not disapproved by the law—express law too, made and provided in the case—without extending condemnation to the law itself, and the body from which it proceeds. The church can hardly be supposed to have settled pokey and invariable custom in contravention of law; the avowal of such custom and every man in any way connected with slavery, is mere assumption.

"No such concession, beyond peaceable submission to the right of suffrage, exercised by the majority, will ever be submitted to by the South, as it would amount to denial of equal abstract right, and a disfranchisement of the southern ministry, and could not be submitted to without injury and degradation. If, then, the North is not satisfies with the negative right conceded to the South by law in this matter, the minority would be glad to know what principle or policy is likely to introduce beyond the existing provisions of

seen biaseif of much property, how hone will conseisment and principles force wher ministers, or even lay members, undeturned, who may happen to be in the same category with Bistop Andrew? Will assumances be riven that the lawlessness of capacitation of the property of the best of the capacitation of the property. The second of the property of the South in the case? Is the public hith of this body, as line, to be relied upon as the guaranter for the redemption of the pledge? What would such pledge or assumance be but to remind the South that any departure at ulfrom the great conservative pledge of law, to which originally than it's possible to guard against any obsequent infringement, and to make the South fiel forther that disappointment in the first instance must compell with the control of the control

d said that there was a repay perhaps properly part of the argumer perhaps properly part of the argumer

defendants, but he would suggest that it would be well to have it read in this connection.

The Court throught it would be better for the counsel for plaintiffs to open his case without mixing it up with the defendant's reply.

Mr. Lord said that he did not think the course suggested by Mr. Wood calculated to confuse the case, and he would consent to the reading of the reply in this connexion.

The Court assented, and Mr. Lord read a short letter from Dr. Baseon, who, for the sake of all parties, he regretted was now dead.

THE REPLY TO THE PROTEST.

Mr. Fancher asked permission for the Rev. Dr. Peck to read the reply. The Court assented, and the reverend gruteman proceeded to read the reply to the protest, from which we make the following abstracts:—

From the first institution of the Epiceopacy of the Methodist Epiceopal Church, no slaveholder has been elected to that dignity, though, in several instances, candidates, otherwise eminently fitted for the station, have falled of success solely on account of this impediment. Since the period refurred to, nine bishops have been elected, who were natives of the United States. Of these, only three have been Northern men, while six were natives of also shoulder—a remarkable fact, which shows very clearly, that white much more than their just claim has been conceded to the six wholding portions of that high office by a slaveholding portions of that high office by a slaveholder.

It is known and ack nowledged by all Southern brethren that Bishop Antiew was nonlinated by the delecates from the South Carolina and Georgia Conferences, as a southern candidate for whom Northern men might vote, without doing violence to their principles, as he was no slaveholder. Blahop Antiew was nonlinated by the delecates from the South Carolina and Georgia Conferences, as a southern candidate for whom Northern men might vote, without doing violence to their principles, as he was no slaveholder. Blahop Antiew was nonlined to the promotion of the contract of the was indebted to his poverty

that he would attempt to disguise the real character of the transaction.

The question presented itself, how the same of Bishop Andrew could be so disposed of as to preserve this life, crant general superIntendency? If the General Conference had even been disposed to evade it, the consideration of it was forced upon them by the Episcopal address likelf.

"A diversity of sentiment existed as to for pr por mothed of treating the case.

"Some at least, believed—perhaps few doubted—that sufficient ground existed for imperchment on a change of 'improper conduct' under the express provisions of the discipline. The opinion was certainly entertained, in several quarters, that it was 'improper' for the shepherd and blahop of the two hundred thousand souls either deliberately or heedlessly to place himself in direct and irreconcilable conflict with the known and cheriched moral sentiments of a large majority of h s vast flock. Such, however, was the prevalence of moderate counsels, that no proposal was made either to impesoh or punish, and such the controlling influence of forbearance and kindness, that it is believed not one word was uttered during the entire debate of nearly a fortnight derogatory to the character, or justly offensive to the feelings, of lichop Andrew. The transaction which had brought such distress upon the church, and threatened such extensive ruin, was dealt with marely as a fact—as a practical difficulty—for the removal or palliation of which it was the duty of the General Conference to provide. It was in this spirit, and for such conds, that the following resolution was passed——Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains;

|a, "The action of the General Conference was neither judicial nor punitive. It neither achieves nor intends a deposition, nor so much as a legal suspension. Bishop Andrew is still a bishop; and should he, against the expassed sense of the General Conference, proceed in the discharge of his functions, his official acts would be valid.

|a, "Such are the facts in the case of Bishop Andrew. We now proceed to notice the law.

will.

B. "Such are the facts in the case of Bishop Andrew. We now proceed to notice the law.

"It is indeed true, that the question of slavery had been long and anxiously agitated in the church, and the various tereral Conferences had endeavored to adjust the matter so as to promote the greatest good of all parties; but this very fact goes to disprove the position assumed in the protest: for as the attention of the church had been thus strongly called to the subject, if it had been the Intention to guard the question of slavery by constitutions. But nothing of the kind appears. The only provision any where established by that General Conference of constitutional force, was the general rule forbidding the buying and selling of human belong with an intention to endays them. Be that, in direct that the section on lavery of the protest, we maintain that the section on lavery of the protest, we maintain that the section on lavery of the protest, we maintain that the section on lavery of the protest, we can under its control as any other portion of the disciplin not covered by the restrictive rule.

"The protest maintains that the General Conference has no right, power, or authority, ministerial; judicial, or administrative, in any way to subject a bishop to any official disability whatever, without the formal presentation of a charge or charges, alleging that the Bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the church, and also upon conviction of such particular force who are not familiar with the Methodist Conference, while the farmed of trial." To those who are not familiar with the Methodist conditions of the cardinal feature of our polity is the litherancy.

"To settlain this system, it is escential that the classes actual reads when a man all particular particular force is held to such a such as the protect of the cardinal feature of our polity is the litherancy." To settlain this system, it is escential that be classes as a such as a such as

sull continue as one body, engaged in its proper work of spreading Scriptural holines over these lands. "

Mr. Levil then gave the dates of various documents for the information of the Court, and proceeded to read former the information of the Court, and proceeded to read former form page 123 to 126. He also read one lands of ference from page 123 to 126. He also read one lands for the fellowing resolutions of the Scheet Committee of Nine appointed to report on the declaration of the delegates from the Conferences of the shareholding States.—

1. That, should the annual Conferences in the slaveholding States find it necessary to unite in a distinct ecclesiastical connection, the following rule shall be observed with regard to the northern boundary of such connections—All the societies, stations and conferences adhering to the church in the South, by a vote of a majority of the members of said societies, stations and conferences adhering to the church in the South, by a vote of a majority of the members of said societies, stations and conferences of the Southern Church shall in no vice attempt to organize churches or societies and understood that the uninity of the Southern Church shall in no vice attempt to organize churches or societies, and understood that the uninity of the South reciprocally observe the same rule in relation to stations, societies, and conferences andering, by a vote of a unajority, to the Methodist Episcopal Church shall not stations, societies, and conferences aftering on the line of division, and not to interior charges, which shall in all cases be left to the care of that church within whose in relationship of the shall read to the same and conferences and conferences and the same and conferences and the shall not shall be also and the shall be shall be shall be also and the shall be shall be

"This pian is approved by the undersigned as the best and, indeed, all that can be done at present, in remady of the great evil under which we labor. Provision is made for a peace-list and constitutional division of shared property of cyery kind. The pian does not decide that device the control of the pian does not decide that device the control of the control of

Conference, 1844, page 83, to show that Bishop Andrew voted on the first of June; to Second Book of Proofs, page 103, and First Book, pages 43, 46, 47. He would read those references after Bit. Lord had closed.

Mr. Lord, in commencing his address, said that there was a starting point in the controversy, in which they is, that immediate which there is no doubt, and that is, that immediate which there is no doubt, and that is, that immediate which there is no doubt, and that year 1844, all the supernumerary and supernumetal year 1844, all the supernumerary and supernumetal to him that he raid to the Book Concern, as well as persons in such relations beioning to the Northern parts. Whatever that fund was—if a mere charity—it seemed to him that as a matter of right, all of the supernumetal pricachers, wises, whows and orphans were entitled to participate in its profits. It may be said that the fund and oliver-tion on that subject. The General Conference, without an utter aboundment of its primary duty, had nothing to do with it, but to see that it was passed over to be distributed by the Annual Conference. The latter had no interest or stake in the matter, except that as Christian men they were to see that the funds should be applied to those whem they should find within their districts to be traveiling, supernumerary, supernumed, or wern out preachers, their wives, wilows, and orphans, to the conference of the traveiling outpernumeted, or wern to supernumerary, supernumerary supernumerary supernumerary supernumerary, supernumerary supernumerary of the fund of preachers? It will scarcely be denied that these beneficiaries had the in this fund through the administrators of its fund—not a title by legal security, or what is raided equity, but it became a right, classified as a dot of camelence and of honor. Counsel then proceeded to dofine his tiwas of charities, and to show that this was not a large with the supernumerary supernumeration with the fund through the supernumeration with the work of the fund of the chi

"2. It shall be the duty of every presiding elicenshires no book steward in appointed to see that his district be fully supplied with books. He is to order such hooks as are wasted, and to give direct in to whose care the amount of the steward in the steward of the second of the same the steward of the second of the same been seen into the district, and is to keep an account with each president with every supplied to the president of which add or reministing in his district, and is also to make a found of which shall got to his creati, and pass to the dotte of his successor.

"3. It shall be the duty of every prescher, who has the charge of a circuit, to see that his afternit be duty supplied in the shall got the creating and pass to the dotte of his successor.

"3. It shall be the duty of every prescher, who has the charge of a circuit, to see that his afternit be duty supplied in the shall got the creating, and pass to the dotte of his successor.

"3. It shall be the duty of every prescher, who has the charge of a circuit, and he is to account with the presiding clader for the same. When a prescher leaves his circuit, he must settle with the presiding sider for all the reaction of the same. When a prescher leaves his circuit, he must settle with the presiding sider for all the reaction of the same. When a prescher who has till took to another.

"4. The superintendent of the book business may be a superintendent of the book business may be a superintendent of the book business may be a superintendent of the book business and the superintendent of the book business and the superintendent respection, the superintendent continued to a superintendent of the continued to the contin

without the prospect of the funds of the Book Concern, the miserable pittance allowed the preaches would not enable them to look to any provision for old age, and that the fund should be looked upon as a saving bank or a retiring pension. This fund began to be established in 1800; it is probable that a great many of those who could participate in it now, are these who earsed; it, thus, it was a sarced trust—a served charity, if it waste be called charity; and as to the forfeiture charged by the other side, he would ask, were the wives, and widow, and crophan, to be visited by the consequences of the act of the annual conference. He should be glad to hear any argument which will establish a right of forfeiture by the set of a mere agent. In the sapect of the case, claimed as a forfeiture, it is, in fact, an Indian war—it does not spare the man, the wife, the widow, the old man, or the orphan—it scalps every one. But it never was intended by the founders that it should be a scalping warfare. The grounds on which the defendants say the claim has been forfeited are, first, that the General Conference had no power to sanction a separation. In the second place, they say that the grant of the power was contingent upon the experiment being made. The third ground they take is, that the plainiffs violated the berder principle. It is not set up that they (the plainiffs) were heterodox, or that they had changed their drew, their dectrine, or their discipline. They say the Conference had no power to divide the church into two bodies. But if they did secode, he would ask, is the body whe gave the concent better off than the body which did not what right had that body to the fund which properly belonged to the superantuated and worn-out presents! If their dectrine is true, the Methodist Church is unterly cut in two, and dead, if they deny there is a general cody ground the agree togother, they might agree separately. They parted in good will. They should have held and they are the submitted that this was not a case of insetti

itierty wherewith God has so strangery free.

From the proceedings of the Conference at Baltimore, 25th December, 1784, he read the following:—

"Quest. 2. What can be done in order to the future union of the Methodists!

"Ans. During the life of the Rev Mr. Wealey, we acknowledge curseives his sons in the gospel, ready, he matters belonging to church government, to obey his commands. And we do engage, after his death to do everything that me judge consistent with the same of